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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dusuk Lee et al. Art Unit: 1616
Serial No.: 09/284,297 Examiner: N. Levy
Filed: July 5, 2000
Title: METHOD OF PREPARING A POORLY CRYSTALLINE CALCIUM
PHOSPHATE AND METHODS OF ITS USE

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY TO EXAMINER'S ACTION

In reply to the Examiner's Action mailed in the above-captioned case on May 23, 2001
(Paper No. 16), Applicants submit the following amendments and remarks.

In the Specification:

On page 1, after the title please insert the following:

The present application is a § 371 application of PCT/US97/18361, filed October 16, 1997, which claims priority from application No. 08/729,343, filed October 16, 1996, and application No. 08/729,344, now U.S. Patent No. 6,117,456, filed October 16, 1996, and application No. 08/732,016, now U.S. Patent No. 6,027,742.

Filed October 16, 1996

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Claim Rejections under 35 U.S.C. § 102(e)

Claims 40, 42, 111-120, 126-134, 138-145, 147, and 148 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Brown et al 6,201,039 B1 (the "Brown '039 patent").

As the sole basis for this rejection, the Office Action states:

See summary, Examples.

Office Action at 6.

Applicants respectfully submit that this rejection is improper as not informative. See MPEP § 707.07(d). Nothing in this rejection indicates how any one of the twenty-nine claims are anticipated by the Brown '039 patent.

Furthermore, a reference must teach each and every limitation of the claimed invention in order for the claim to be anticipated. There is not a single statement or suggestion in the Brown '039 patent of pressing powders to form a compressed object of a predetermined shape prior to hydration. Thus, the rejection should be withdrawn.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance if an interview with Applicant's attorney would expedite prosecution, the Examiner is invited to call the undersigned at 617-428-0200. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

If there are any charges or any credits, please apply them to Deposit Account No. 08-0219.

Respectfully submitted,

Date: August 1, 2002

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